



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 2172)
)
Examiner: Anh Ly)
)
Ser. No. 09/924,376)
)
Filing Date: August 8, 2001)
)
Inventor: Gregory J. Franz)
)
Title: Information Distribution)
System)
)
Docket No.: 12055-0004)

APPEAL BRIEF

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 25, 2005.

By 

Typed name of person signing certificate: Paul E. Franz

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal brief is filed in response to the final office action mailed September 20, 2004, which finally rejected pending claims 1-54 of the instant application. A reply to the final office action was mailed on November 19, 2004, and an Advisory Action was mailed in response on December 22, 2004. A Notice of Appeal was mailed on January 24, 2004 pursuant to 37 C.F.R. § 1.8(a), and was received by the Office on January 27, 2005. Accordingly, the two-month date for filing this Appeal Brief is March 27, 2005. A petition for a two-month extension of time is being filed contemporaneously with this Appeal Brief. A check in the amount of \$475 to cover the \$250 small entity appeal brief fee and the \$225 small entity extension fee is enclosed.

05/31/2005 MAHME1 00000003 09924376

01 FC:2402

250.00 DP

I. Real Party In Interest

The real party in interest is Gregory J. Franz, having a principal residence at 231 West Rockland Road, Libertyville, IL 60048.

II. Related Appeals And Interferences

There are no related appeals or interferences to the instant application.

III. Status Of Claims

Pending claims 1-54 stand finally rejected and are appealed.

IV. Status Of Amendments

An after-final amendment was filed on November 19, 2004. The after-final amendment submitted formal drawing sheets 1-23 to replace the originally-filed informal drawing sheets 1-23. In the Advisory Action mailed on December 22, 2004, the Examiner did not indicate whether the drawings were accepted. The Applicant's attorney called Examiner Ly on April 7, 2005, to inquire whether the drawings had been reviewed and accepted. Examiner Ly stated that the drawings had been accepted.

The Applicant requests that the next communication from the Office confirm that the formal drawing sheets 1-23 submitted on November 19, 2004 have been reviewed and accepted.

V. Summary Of Claimed Subject Matter

A concise explanation of the subject matter of each of the independent claims is provided in sections V.B - V.F below. A brief summary of the claimed subject matter is also provided by way of an illustrative overview.

A. Overview

The claimed subject matter facilitates the association of multiple data sets (e.g., files, etc.) with multiple recipient accounts (e.g., e-mail accounts, system directory folders, etc.) and the creation and distribution of recipient data sets wherein each recipient data set includes only data sets associated with a corresponding recipient account. For example, the directory of Fig. 10

may correspond to a hierarchy in a company and is representative of a linked hierarchy of classes (e.g., organization departments) and recipient accounts (e.g., employees). The company may have three organizational departments - an administration department, represented by the Admin folder 200, a legal department, represented by the Legal folder 400, and a retail department, represented by the Retail folder 500. The departments are thus organized according to an Admin class, a Legal class, and a Retail class.

Each class folder may include a plurality of associated recipient accounts. For example, the Retail folder 500 includes recipient accounts represented by folders 510, 520, and 530. These folders respectively correspond to the employees identified by ID Nos. 001, 017, and 234, as shown in Figs. 2A and 10. The Admin folder 200 includes recipient accounts represented by folders 210 and 220, which respectively correspond to the employees identified by ID Nos. 256 and 311, and the Legal folder 400 includes recipient accounts represented by folders 410, 420 and 430, which respectively correspond to the employees the ID Nos. 11, 137 and 138, as shown in Figs. 2A and 10. Thus, this folder structure is a graphical representation of the association of a plurality of classes with a plurality of recipient accounts.

By associating data sets (e.g., files) with particular classes and/or recipient accounts, a user can create a plurality of recipient data sets wherein each recipient data set includes only data sets associated with a corresponding recipient account. For example, assume the following documents must be distributed by e-mail as follows:

- 1) a sales document to all employees of the Retail department;
- 2) a bonus notification to salesperson Mary Jones, who works in the Retail department;
- 3) a product data document to Joe Mack, who works in the Retail department;
- 4) a contract to be reviewed by attorney James Nelson, who works in the Legal department;
- 5) a regulatory notice to all employees in the Legal department;
- 6) a patent application to Amy Drew, who works in the Legal department;
- 7) a pay scale document to Mary Doe, who works in the Administration department;
- 8) an organization chart to all employees in the Administration department; and

9) an annual report to all employees.

In the prior art systems, multiple separate e-mails must be created manually for each data set, which is relatively labor-intensive, inefficient, and prone to error. See, e.g., specification, pg. 1, ll. 16-26. The information distribution system and method of the present application, however, facilitates efficient distribution of these documents by associating the documents with classes and/or recipient accounts. Thus, to distribute the documents listed above, a user need only to do the following:

- 1) place the sales document in the common folder 540, which associates the sales document with the Retail class;
- 2) place the bonus notification in the folder 520, which associates the bonus notification with the recipient account associated with Mary Jones;
- 3) place the product data document in folder 530, which associates the product data document with the recipient account associated with Joe Mack;
- 4) place the contract in the folder 420, which associates the contract with the recipient account associated with James Nelson;
- 5) place the regulatory notice in the common folder 440, which associates the regulatory notice with the Legal class;
- 6) place the pay scale document in the folder 210, which associates the pay scale document with the recipient account associated with Mary Doe;
- 7) place the patent application in folder 430, which associates the patent application with the recipient account associated with Amy Drew;
- 8) place the organization chart in the common folder 230, which associates the organizational chart with the Admin class; and
- 9) place the annual report in the common folder 300, which associates the annual report with all classes.

After placing the documents in the appropriate folders, recipient data sets are created by associating each data set associated with a class to each recipient account associated with that class. Accordingly, each recipient data set includes only data sets associated with each corresponding recipient account. For example, the sales document is associated with all recipient accounts associated with the Retail class; the regulatory notice is associated with all recipient

accounts in the Legal class; the organization chart is associated with all recipient accounts in the Admin class; and the annual report is associated with all recipient accounts. Thus, in this example, eight separate e-mails are generated, one for each recipient account, and each e-mail includes a recipient data set that includes data only associated with that recipient account. Accordingly, the following recipient accounts receive the following recipient data sets:

Recipient Account	Recipient Data Set
John Smith	annual report, sales document
Mary Jones	annual report, sales document, bonus notification
Joe Mack	annual report, sales document, product data document
Hadley Baxendale	annual report, regulatory notice
James Nelson	annual report, regulatory notice, contract
Amy Drew	annual report, regulatory notice, patent application
Mary Doe	annual report, organizational chart, pay scale document
Steve Wells	annual report, organizational chart

Thus, a user may create and distribute multiple recipient data sets without composing multiple separate e-mails, either individually or by groups, resulting in a more efficient distribution of data. The recipient data sets may also be distributed by multiple separate e-mails that are automatically generated.

Independent claims 1, 11 and 20 are directed to the association of classes, recipient accounts and data sets, and the resultant creation of recipient data sets as described above. Independent claims 35 and 46 are directed to the respective association of first and second files with a class and one recipient in the class, creating a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file.

A concise explanation of the subject matter of each of the independent claims follows. Citations in sections V.B - V.F below refer to the specification and drawings as filed.

B. Independent Claim 1

Independent claim 1 claims method of distributing data to a plurality of recipients associated with a corresponding plurality of recipient accounts. See, e.g., specification, pg. 2, ll. 10-16.

The first limitation comprises associating a plurality of classes arranged in a class hierarchy with the plurality of recipient accounts. See, e.g., specification, pg. 6, ll. 4-20; pg. 17, ln. 23 - pg. 18, ln. 21; pg. 19, ll. 17-22.

The second limitation comprises associating a plurality of data sets with the plurality of classes and the plurality of recipient accounts. See, e.g., specification, pg. 7, ll. 5-19; pg. 18, ll. 22-23; pg. 19, ll. 17-22.

The third limitation comprises creating a plurality of recipient data sets by associating each data set associated with a class to each recipient account associated with the class so that each recipient data set includes only data sets associated with each corresponding recipient account. See, e.g., specification, pg. 7, ln. 20 - pg. 8, ln. 20; pg. 18, ln. 24 - pg. 19, ln. 22.

The fourth limitation comprises distributing the plurality of recipient data sets to the corresponding plurality of recipients. See, e.g., specification, pg. 8, ll. 14 -27; pg. 18, ln. 24 - pg. 19, ln. 22.

C. Independent Claim 11

Independent claim 11 claims a system for distributing data to a plurality of recipients associated with a corresponding plurality of recipient accounts. See, e.g., specification, pg. 2, ll. 10-16.

The first limitation comprises means for associating a plurality of classes arranged in a class hierarchy with the plurality of recipient accounts. See, e.g., specification, pg. 6, ll. 4-20; Figs. 6-12, directory structure 100 that is representative of a linked hierarchy; pg. 17, ln. 23 - pg. 18, ln. 21; Fig. 19, data distribution software model 1900; pg. 19, ll. 17-22; and Fig. 20, data distribution software model 2000.

The second limitation comprises means for associating a plurality of data sets with the plurality of classes and the plurality of recipient accounts. See, e.g., specification, pg. 7, ll. 5-19; Figs. 6-12, directory structure 100 that is representative of a linked hierarchy (class, common and

recipient folders); pg. 18, ll. 22-23; Fig. 19, data distribution software model 1900 (class and recipient nodes); pg. 19, ll. 17-22, and Fig. 20, data distribution software model 2000 (class and recipient nodes).

The third limitation comprises means for creating a plurality of recipient data sets by associating each data set associated with a class to each recipient account associated with the class so that each recipient data set includes only data sets associated with each corresponding recipient account. See, e.g., specification, pg. 7, ln. 20 - pg. 8, ln. 20; Figs. 6-12, directory structure 100 that is representative of a linked hierarchy; pg. 18, ln. 24 - pg. 19, ln. 22; Fig. 19, data distribution software model 1900, and Fig. 20, data distribution software model 2000.

The fourth limitation comprises means for distributing the plurality of recipient data sets to the corresponding plurality of recipients. See, e.g., specification, pg. 8, ll. 14 -27; Figs. 6-12, directory structure 100 that is representative of a linked hierarchy and Fig. 1, mail program routine 13; pg. 18, ln. 24 - pg. 19, ln. 22; Fig. 19, data distribution software model 1900, and Fig. 20, data distribution software model 2000 and Fig. 1, mail program routine 13; pg. 14, ln. 5 - pg. 17, ln. 22, and flow diagrams of the processes 1600, 1700, 1750, and 1800 of Figs. 16 - 18.

D. Independent Claim 20

Independent claim 20 claims a system for distributing data to a plurality of recipients corresponding to a plurality of recipient accounts.

The first limitation comprises a computer storage medium storing a data structure and a program. The data structure includes a plurality of classes arranged in a class hierarchy, and further includes the plurality of recipient accounts associated with the plurality of classes. See, e.g., specification, pg. 6, ll. 4-20; Figs. 6-12, directory structure 100 that is representative of a linked hierarchy; pg. 17, ln. 23 - pg. 18, ln. 21; Fig. 19, data distribution software model 1900; pg. 19, ll. 17-22; and Fig. 20, data distribution software model 2000.

The program associates data sets to selected classes and selected recipient accounts. See, e.g., Figs. 1 and 2; pg. 5, ln. 24 - pg. 6, ln. 4; specification, pg. 7, ll. 5-19; Figs. 6-12, directory structure 100 that is representative of a linked hierarchy (class, common and recipient folders); pg. 18, ll. 22-23; Fig. 19, data distribution software model 1900 (class and recipient nodes); pg. 19, ll. 17-22, and Fig. 20, data distribution software model 2000 (class and recipient nodes).

The program also creates a plurality of recipient data sets by associating data sets associated with a selected class to the recipient accounts associated with the selected class so that each recipient data set includes only data sets associated with each corresponding recipient account. See, e.g., Figs. 1 and 2; pg. 5, ln. 24 - pg. 6, ln. 4; specification, pg. 7, ln. 20 - pg. 8, ln. 20; Figs. 6-12, directory structure 100 that is representative of a linked hierarchy; pg. 18, ln. 24 - pg. 19, ln. 22; Fig. 19, data distribution software model 1900, and Fig. 20, data distribution software model 2000.

The program also distributes the plurality of recipient data sets to the corresponding plurality of recipients. See, e.g., Figs. 1 and 2; pg. 5, ln. 24 - pg. 6, ln. 4; specification, pg. 8, ll. 14 -27; Figs. 6-12, directory structure 100 that is representative of a linked hierarchy and Fig. 1, mail program routine 13; pg. 18, ln. 24 - pg. 19, ln. 22; Fig. 19, data distribution software model 1900, and Fig. 20, data distribution software model 2000 and Fig. 1, mail program routine 13.

The second limitation comprises a computer system having access to the computer storage medium and configured to execute the application program. See, e.g., specification, pg. 3, ll. 4-15; Figs. 1 and 2; pg. 5, ln. 24 - pg. 6, ln. 4.

E. Independent Claim 35

Independent claim 35 claims a method of e-mailing files.

The first limitation comprises associating a first file with a class of recipients. See, e.g., specification, pg. 2, ll. 10-16.

The first limitation comprises associating a second file with one recipient in the class. See, e.g., specification, pg. 6, ll. 4-20; pg. 17, ln. 23 - pg. 18, ln. 21; pg. 19, ll. 17-22.

The third limitation comprises creating a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file. See, e.g., specification, pg. 7, ln. 20 - pg. 8, ln. 20; pg. 18, ln. 24 - pg. 19, ln. 22.

The fourth limitation comprises distributing the data sets to the recipients. See, e.g., specification, pg. 8, ll. 14 -27; pg. 18, ln. 24 - pg. 19, ln. 22.

F. Independent Claim 46

Independent claim 46 claims a program stored in a computer-readable medium. The program is for distributing files to recipients connected by a network.

The first limitation comprises code for defining a class of recipients. See, e.g., specification, pg. 6, ll. 4-20; Figs. 6-12, directory structure 100 that is representative of a linked hierarchy; pg. 17, ln. 23 - pg. 18, ln. 21; Fig. 19, data distribution software model 1900; pg. 19, ll. 17-22; and Fig. 20, data distribution software model 2000.

The second and third limitations comprises code for associating a first file with the class of recipients and code for associating a second file with one recipient in the class. See, e.g., Figs. 1 and 2; pg. 5, ln. 24 - pg. 6, ln. 4; specification, pg. 7, ll. 5-19; Figs. 6-12, directory structure 100 that is representative of a linked hierarchy (class, common and recipient folders); pg. 18, ll. 22-23; Fig. 19, data distribution software model 1900 (class and recipient nodes); pg. 19, ll. 17-22, and Fig. 20, data distribution software model 2000 (class and recipient nodes).

The fourth limitation comprises code for creating a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file. See, e.g., Figs. 1 and 2; pg. 5, ln. 24 - pg. 6, ln. 4; specification, pg. 7, ln. 20 - pg. 8, ln. 20; Figs. 6-12, directory structure 100 that is representative of a linked hierarchy; pg. 18, ln. 24 - pg. 19, ln. 22; Fig. 19, data distribution software model 1900, and Fig. 20, data distribution software model 2000.

The fifth limitation comprises code for distributing the data sets to the recipients. See, e.g., specification, pg. 8, ll. 14 -27; Figs. 6-12, directory structure 100 that is representative of a linked hierarchy and Fig. 1, mail program routine 13; pg. 18, ln. 24 - pg. 19, ln. 22; Fig. 19, data distribution software model 1900, and Fig. 20, data distribution software model 2000 and Fig. 1, mail program routine 13; pg. 14, ln. 5 - pg. 17, ln. 22, and flow diagrams of the processes 1600, 1700, 1750, and 1800 of Figs. 16 - 18.

VI. Grounds Of Rejection To Be Reviewed On Appeal

Claims 1-4, 10, 11-14, 19, 20-23, 26, 32-38, 43-49 and 54 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pat. No. 6,505,214, issued to Sherman et al. ("Sherman") in

view of U.S. Pat. No. 5,822,526, issued to Waskiewicz (“Waskiewicz”). These rejections are appealed.

Claims 5-9, 15-18, 24, 25, 27-31, 39-42, and 50-53 stand rejected under 35 U.S.C. § 103(a) as being obvious over Sherman and Waskiewicz and further in view of U.S. Pat. No. 6,345,288, issued to Reed et al. (“Reed”). These rejections are appealed.

VII. Argument

The rejections in the first and second office action should be withdrawn for failure to comply with MPEP § 2143. In particular, both the first and second office actions fail to address elements in independent claims 1, 11 and 21 and thus fail to make out a prima facie case of obviousness under MPEP § 2143 for these claims. Additionally, both the first and second office actions fail to establish a prima facie case of obviousness for the all the independent claims and dependent claims.

A. Summary Of The Prior Art

Waskiewicz is an e-mail address proxy system for associating proxy e-mail addresses with a user account name. Waskiewicz does not teach associating classes with recipient accounts, associating data sets with the classes and recipient accounts, and creating recipient data sets that include data sets only associated with corresponding recipient accounts.

Sherman is a system for synchronizing data records between multiple computer systems, and merely copies data from a user’s account store on a first computer to the user’s account store on a second system. Sherman does not teach associating classes with recipient accounts, associating data sets with the classes and recipient accounts, and the creating recipient data sets that include data sets only associated with corresponding recipient accounts.

A brief summary of each reference follows.

i. Waskiewicz

Waskiewicz teaches an e-mail address proxy system in which a plurality of proxy e-mail addresses may be associated with a user account name. A user may add or modify a proxy address for the user without changing the user’s account name to facilitate easy non-disruptive

modifications to a user's e-mail address. A user's e-mail mailbox address may have associated with it multiple proxy addresses. By disassociating the user's e-mail address from an account name, the system of Waskiewicz allows a user to have an e-mail address that renders the user's identity completely anonymous. Waskiewicz, col. 2, ll. 6-20.

Fig. 3 of Waskiewicz shows directory 40 relating to associating proxy addresses with e-mail addresses. A "User Name" portion 60 of the directory 40 lists user account names corresponding to e-mail accounts. The User Name portion 60 is similar to the user account name used in known systems to obtain an associated system level logical mailbox address for an account. System level logical mailbox addresses are provided in a Mailbox Logical Address portion 62 of the directory 40 (column 2 in Fig. 3). Rather than provide direct addresses for mailboxes, the system level logical mailbox addresses comprise "handles" that reference the actual logical addresses (shown in brackets). The directory may be implemented as an array comprising a user account name entry and the other information illustratively depicted in Fig. 3. Waskiewicz, col. 5, ln. 65 - col. 6, ln. 18.

A proxy list portion 64 of the directory 40 comprises a new field in the directory which enables a user to designate user names for determining a mailbox address that are distinct from the user account name. Each entry in the Proxy list portion 64 is capable of storing multiple proxy addresses for a given user account. Waskiewicz, col. 6, ll. 19-34.

Accordingly, Waskiewicz is an e-mail address proxy system for associating proxy e-mail addresses with a user account name.

ii. Sherman

Sherman is directed toward a system for synchronizing data between multiple computing systems. Sherman, col. 2, ll. 19-21. Sherman defines synchronization as involving "an electronic comparison and correlation of data between the companion device and the primary computer (such as a server or personal computer) to maintain data uniformity on both systems." Sherman, col. 1, ll. 36 - 39. In particular, a primary file hierarchy and data stored in the primary file hierarchy in a primary system is selectively synchronized with a companion file hierarchy and data stored in the companion file hierarchy in a companion system. The data and/or file

hierarchy to be synchronized is determined by a user indication of interest. Sherman, col. 7, ll. 50-54.

Fig. 6 provides an operation flow diagram for synchronizing a subset of folders in an e-mail folder hierarchy in Sherman. Connection operation 250 establishes the connection between the H/PC and the server or other primary computer. An "expanded flag" is set in the H/PC folder database for each folder whose subfolder list is to be synchronized. The presence of an asserted expanded flag on a top-level folder is detected by monitor operation 252. Sherman, col. 9, ll. 29-42.

When it is found that the expanded flag associated with the top-level folder is set, synchronization of the subfolders of the top-level folder is initiated at synchronization operation 256. This results in providing the H/PC user a folder hierarchy on the H/PC that includes the top-level folder and the immediate subfolders of that folder. For example, referring briefly to Fig. 5, the Level₁ Service Hierarchy Folder 200 corresponds to the top-level folder, and Folders 202, 204 and 206 correspond to the immediate subfolders that will be synchronized. If the only expanded flag set was for the Service Hierarchy Folder 200, the H/PC would synchronize Folders 202, 204 and 206, but would not synchronize folders at subsequent levels (i.e., Level₃, Level₄, etc.). Sherman, col. 9, ll. 44-61.

Accordingly, Sherman is a system for synchronizing data records between multiple computer systems, and merely copies data from a user's account store on a first computer to the user's account store on a second system

B. The Rejection Of Claims 1, 11 and 20 As Being Obvious Over Sherman And Waskiewicz Is Improper

i. The limitation "associated with each corresponding recipient account" was not considered in either office action

Independent claims 1, 11 and 20 include the limitation "...so that each recipient data set includes only data sets associated with each corresponding recipient account." The highlighted limitation "associated with each corresponding recipient account" has never been addressed in either office action (see the bottom of page 3 of both the first and second office actions). The rejections address recipient data sets including "only data sets", but never go on to address the

limitation “associated with each corresponding recipient account.” To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (emphasis added); MPEP § 2143.03. Both the first and second office actions fail to examine this claim language and thus fail to establish a prima facie case of obviousness for claims 1, 11 and 20.

The Applicant specifically addressed this deficiency in the reply filed on June 14, 2004 (see pages 14-15 of that reply). The second office action did not even acknowledge the failure to address this limitation, and maintained the rejection of claims 1, 11 and 20 by merely repeating the rejection of the first office action. This is clearly an improper rejection as it fails to meet the requirements of MPEP § 2143.03, i.e., the rejection fails to show how all the claims limitations are met by Sherman and Waskiewicz. Because both the first and the second office actions completely ignore these words in the claims, they both fail to establish a prima facie case of obviousness under MPEP § 2143.03. For this reason, the rejection of claims 1, 11 and 20, and all claims depending therefrom, must be withdrawn.

ii. Sherman teach away from claims 1, 11 and 20

Sherman teaches the synchronization of data between a first computer system and a second computer system, while claims 1, 11 and 20 recipient data sets that includes only data sets associated with each corresponding recipient account.

Sherman defines synchronization as involving “an electronic comparison and correlation of data between the companion device and the primary computer (such as a server or personal computer) to maintain data uniformity on both systems.” The recipient data set as claimed in claim 1, however, includes only data associated with each corresponding recipient account. Recipient data sets that only include data associated with each corresponding recipient account are not the uniform data sets of Sherman; Sherman is only concerned with uniformity between two systems and does not teach the unique association of data sets based on classes and recipient account associations. In fact, because Sherman teaches a system that creates data uniformity between a first computer system and a second computer system, and claims 1, 11 and 20 are

directed, in part, to creating unique recipient data sets for each recipient and that are to be distributed to the recipients, Sherman actually teaches away from claims 1, 11 and 20.

"A prior art reference may be considered to teach away when 'a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.'" Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 139 F.3d 877, 885, 45 USPQ2d 1977 (Fed. Cir. 1998) (citing In re Gurley, 27 F.3d 551, 553, 31 USPQ2d 1130 (Fed. Cir. 1994)). Each reference must be considered as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates v. Garlock, Inc., 721 F.2d 1540, 1550, 220 USPQ2d 303, 311 (Fed. Cir. 1983). The Applicant submits that one who follows the teachings of Sherman, which is directed to data synchronization between a primary user account and a remote user account, would be led in a divergent path from the path taken by the Applicant, which is directed to creating unique data sets for a plurality of user accounts. Even if Sherman is applied to multiple recipient accounts, it can only be construed to teach distributing uniform data sets to the recipient accounts, which would include data sets that are not associated to each recipient. Therefore, because Sherman teaches away from claims 1, 11 and 20, the rejection of these claims over Sherman and Waskiewicz, and all claims depending therefrom, is improper.

The Applicant presented this argument in the reply to the first office action filed on June 14, 2004, and thus rebutted the obviousness rejection.¹ The second office action completely ignored this clear rebuttal of obviousness presented by the Applicant, and did not even respond to the Applicant's argument that Sherman teaches away from claims 1, 11 and 20. Accordingly, the Applicant's rebuttal of obviousness stands.

iii. **Sherman and Waskiewicz, in combination, do not teach a recipient data set that includes only data sets associated with each corresponding recipient account**

¹ Technically, there is no case of obviousness to rebut, as the first and second office actions did not establish obviousness of the independent claim for failure to address the language that each recipient data set includes only data sets associated with each corresponding recipient account. Accordingly, the presentation of the Applicant's argument that Sherman teaches away is not to be construed as an admission that a prima facie case of obviousness was actually established.

Sherman and Waskiewicz do not teach a recipient data set as claimed. As described above, Sherman is directed to synchronization to maintain data uniformity between two computer systems, and Waskiewicz is directed toward proxy accounts for users. Neither teaches the claimed association of classes and recipient accounts and the creation of recipient data sets that include only data sets associated with each corresponding recipient account.

In particular, the passages to Waskiewicz cited in the office action only refer to proxy addresses for e-mail recipients, and that there are multiple user accounts on an e-mail server. Waskiewicz does not show associations of classes and recipient accounts. Additionally, the folder hierarchy of Sherman is merely an e-mail folder hierarchy for a single user, showing an inbox, outbox, and a sent folder. Such folders are not representative plurality of classes as claimed, or representative of the linked hierarchical association as claimed; they are merely folders in a file structure and are not described by Waskiewicz as being representative of classes to be associated with a plurality of recipient accounts. Thus, neither Sherman nor Waskiewicz relate to multiple recipient accounts and the hierarchical association of data to the multiple recipient accounts, and do not teach the above-emphasized associations with a plurality of recipient accounts and the corresponding generation of recipient data sets.

Claims 1, 11 and 20 are directed to creating and distributing to recipient accounts recipient data sets that include only data sets associated with each corresponding recipient account. Nowhere in Sherman or Waskiewicz is there a teaching or suggestion of creating recipient data sets as defined in the specification and claims, i.e., a data set that includes only data associated with each corresponding recipient account.

In response to this argument, the Examiner stated that

Sherman...teaches attached files or attachments to the e-mail message may include text files or graphic files or other files to the recipient or recipients or going with recipient accounts (col. 7, lines 5-11). Those attached files or attachments to the e-mailing message are data sets in light of the specification of this application. See Second office action, pg. 2.

The cited passage of Sherman that the Examiner refers to, however, is merely describing an e-mail message:

The subjects of the requests from the software 100 to the server 107 or 109 relate to e-mail messages 27 (FIG. 1). Each e-mail message 27 is an electronic document that is made up of at least three elements: an identification element

(ID) 111; header information 113; and a message body 115. The ID 111 is used internally by the handheld computer 22 or the server 24 to identify the file. It may be a simple identifier, such as an integer, or may be more complex such as a file name or other ID string. The header 113 includes information regarding the e-mail message 27, such as the originator, addressee, creation time, and message subject. The header 113 may include other informational fields relating to the data or management thereof. The body 115 is the actual message created by the message originator, and may include text, graphics, other files or attachments. Sherman, col. 6, ln. 64 - col. 7, ln. 11.

This passage clearly does not teach anything about a recipient data set that includes only data associated with each corresponding recipient account.

Even the Examiner admits that Sherman cannot teach recipient data sets that include only data associated with corresponding recipient accounts: on page 4 of the second office action, the Examiner states that Sherman does not teach a plurality of recipient accounts. If Sherman does not teach a plurality of recipient accounts, then it is axiomatic that Sherman cannot teach recipient data sets that include only data associated with corresponding recipient accounts.

The Examiner then cites Waskiewicz as teaching the address directory of Fig. 3 and user names as classes in an e-mail folder hierarchy. See second office action, pg. 4. Fig. 3 of Waskiewicz, however, merely lists a plurality of e-mail accounts and corresponding proxy list.

Thus, all that the Examiner has shown is the following:

- 1) Sherman is a system for synchronizing data records between multiple computer systems, and does not teach a plurality of recipient accounts.
- 2) Waskiewicz is an e-mail address proxy system for associating proxy e-mail addresses with a user account name.

The Examiner, however, does not show how Waskiewicz and Sherman, when combined, teach corresponding recipient data sets that include only data associated with each corresponding recipient account. The reasons for the failure to show this limitation are two-fold. First, the Examiner completely ignores this language, as set forth above. Second, neither Sherman nor Waskiewicz have any teaching regarding the association of data sets with classes and recipient accounts and the creation of corresponding recipient data sets that include only data associated with each corresponding recipient account. Neither reference even suggests the association and allocation of data sets as claimed.

Because the combination of Sherman and Waskiewicz do not show, teach or suggest all

of the claimed limitations, the rejection of claims 1, 11 and 20, and all claims depending therefrom, must be withdrawn.

C. Dependent claims 22 - 25

In addition to being allowable due to their dependence either directly or indirectly from claim 20, the Applicant also submits that these claims and claims depending therefrom are allowable because Sherman and Waskiewicz do not disclose the added limitations.

Claims 22-25 include the limitation

further comprising a distribution control file stored on the computer storage medium, the distribution control file storing the association of data sets to selected classes and selected recipient accounts.

On page 18 of the Applicant's June 14 reply, the Applicant notes that this limitation is not addressed in the first office action. The second office action completely ignored the Applicant's argument, and merely repeated the rejection in the first office action.

With respect to claim 22 in particular, Sherman and Waskiewicz have not been shown to teach the claimed distribution control file. The first and second office actions do not even mention this limitation in this rejection or in the later rejection over Sherman and Waskiewicz in combination with Reed. See second office action, pp. 8-9.

Again, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d at 1385 (emphasis added); MPEP § 2143.03. Both the first and second office actions fail to examine this claim language and thus fail to establish a prima facie case of obviousness for claims 22-25, and all claims depending therefrom. For this additional reason alone, the rejection of claim 22, and the rejection of claims 23, 24, and 25, which depend from claim 22, must be withdrawn, as Sherman and Waskiewicz have not been shown to teach the distribution control file limitation.

D. Dependent claims 26 - 31

Claim 26 recites "a transaction file stored on the computer storage medium, the transaction file storing a transaction history of the distribution of data sets." The second office action states on page 9 that the graphics file disclosed in Sherman meets this limitation, stating:

With respect to claim 26, Sherman discloses further comprising a transaction file stored on the computer storage medium, the transaction file storing a transaction history of the distribution of data sets (attachments such as graphic files: col. 7, lines 1-12).

The specification describes an example transaction file on page 16, lines 5-12:

After the files have been mailed to their intended recipients, step 1716 stores the mail transactions in a transaction database. The transaction database provides a history of mailing transactions, including the date a file was mailed, the recipients of that file, and the mailing frequency of the file to the recipients. The mailing frequency is the number of times a file is mailed to a set of recipients over a period of time. Thus, a file mailed to a set of recipients once every week has a mailing frequency of once a week, while a file mailed to another set of recipients once a month has a mailing frequency of once per month.

The recited passage in Sherman, however, merely states that the message may include text, graphics, or other files. As the Applicant argued in the June 14 reply, a “graphics file” is not a “transaction file storing a transaction history of the distribution of data sets.” In fact, nothing in Sherman or the other references combined with Sherman teaches or suggests a transaction history file storing a transaction history of the distribution of data sets. Both the first and the second office actions do not show how a graphics file could be modified to teach this limitation, nor do the office actions show how the art provides a suggestion or motivation for such modification. Thus, the office actions do not show how the prior art references teach or suggest this claim limitation.

For this additional reason, the rejection of claims 26-31 must be withdrawn.

E. Dependent claims 32 - 34

Claims 32 - 34 were rejected on the grounds that Sherman disclosed an e-mail folder hierarchy for a single recipient account and that Waskiewicz disclosed an address directory for multiple recipients. Office action, pp. 9-10. The Applicant respectfully disagrees with the rejection.

In addition to being allowable due to their dependence either directly or indirectly from claim 20, the Applicant also submits that these claims are allowable because Sherman and Waskiewicz do not disclose the added limitations of these claims. With respect to claim 32, the

office action does not address how Sherman and Waskiewicz disclose a data structure that “includes for each class a class node and a recipient node, each class node referencing a child class, and each recipient node referencing a recipient account.” With respect to claims 33, the office action does not address how the program “is further configured to associate data sets with corresponding class nodes and recipient nodes.” With respect to claim 34, the office action does not address how the program “is further configured to associate each data set associated with each class node to each corresponding classes referenced by the class node, and associate each data set associated with each recipient node to each corresponding recipient account referenced by the recipient node.” Thus, the office action does not show how the prior art reference (or references when combined) teach or suggest this claim limitation. MPEP § 2143. For these additional reasons, the rejections of claims 32-34 must be withdrawn.

F. Independent Claims 35 and 46

Claims 35 and 46 are not obvious over Sherman and Waskiewicz because 1) Sherman teaches away from claim 35; and 2) Sherman does not teach “creating a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file.”

i. Sherman Teaches Away From Claims 35 and 46

First, Sherman teaches away from claims 35 and 46. Sherman is directed to synchronization of data, as described above with respect to claim 1. Each claim includes the element “creating a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file.” Thus, the claimed data sets cannot be synchronized, uniform data set of Sherman, because “only the data set corresponding to the one recipient includes the second file.” Instead, the claimed data sets are unique.

ii. The Office Action Inconsistently Applies Sherman

Sherman does not teach “creating a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file.” Indeed, the office action actually supports this conclusion. At page 11, lines 13-15, the second office action states that

Sherman does not teach associating a first file with a class of recipients, and associating a second file with one recipient in the class. Thus, Sherman cannot disclose “creating a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file, and distributing the data sets to the recipients ” as asserted at the top of page 11 in the second office action. Clearly, if Sherman does not teach associating a first file with a class of recipients and associating a second file with one recipient in the class, then it cannot, as asserted, create a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file. This inconsistency alone requires that the rejection be withdrawn.

The office action also does not show how Sherman could be combined with any other reference to teach “creating a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file.” The office action asserts that Waskiewicz, in combination with Sherman, teaches associating a first file with a class of recipients and associating a second file with one recipient in the class; this assertion, however, does not cure the failure to show how Sherman teaches “creating a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file.”

iii. Waskiewicz and Sherman Do Not Teach The Claimed Associations

Waskiewicz and Sherman does not teach “associating a first file with a class of recipients,” “associating a first file with a class of recipients,” “associating a second file with one recipient in the class,” and “creating a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file.” In particular, the cited passages to Sherman and Waskiewicz teach only an e-mail data hierarchy for particular recipients. Such a hierarchy for a single e-mail user account, however, does not teach the claimed association of first and second files as claimed with a class of recipients. Finally, Sherman and Waskiewicz teach only distributing data to a recipient via e-mail or by a synchronization operation, and do not teach sending data to recipients based on an association to recipient accounts and/or classes. Thus, Sherman and Waskiewicz do not teach creating a data set wherein only the data set corresponding to the one recipient includes the second file.

For these reasons, the rejection of claims 35 and 46, and all claims depending therefrom, must be withdrawn.

G. Dependent Claims 37 and 48

Claims 37 and 48 were rejected on the grounds that Sherman shows an association of a first file in an e-mail folder hierarchy. The Applicant respectfully submits this rejection is improper.

In addition to being allowable due to its dependence allowable independent claims, the Applicant also submits that claims 37 and 48 are allowable because Sherman and Waskiewicz do not disclose the added limitations of these claims. In particular, the e-mail folder hierarchy of Sherman does not teach the step of “defining the recipient accounts to include all recipients in the class and all recipients in any subordinate classes related to the class in the hierarchy,” nor does it teach the counterpart software structure in claim 48 (“code for associating the first file defines recipients of the first file to include all recipients in the class and all recipients in any subordinate classes in the hierarchy related to the class”). The folder hierarchy of Sherman is merely an e-mail folder hierarchy for a single user; it does not relate to multiple recipient accounts, nor is it representative of liked hierarchical association as claimed.

Furthermore, Sherman and Waskiewicz, either alone or in combination, do not teach the claimed association of the first file. Rather, Sherman and Waskiewicz only teach the management of one or more user’s e-mail accounts, and not the association and distribution of data sets as claimed. For this additional reason, the Applicant respectfully requests that the rejection of claim 37 be withdrawn.

H. Dependent Claims 44 and 45

Dependent claims 44 and 45 were rejected on the grounds that Sherman disclosed a method of e-mail files as discussed in claim 35. Office action, pg. 12. The office action, however, does not address the added limitations of claims 44 and 45, instead only referring to the rejection of claim 35. Thus, the office action does not show how the prior art reference (or references when combined) teach or suggest these claim limitations. MPEP § 2143. Because the office action does not address these limitations, the rejection of these claims must be withdrawn.

Second, Sherman and Waskiewicz do not disclose “the step of copying the first file to recipient accounts respectively corresponding to the recipients in the first class” as claimed in claim 44, and do not disclose the further step of “copying the second file to the recipient account corresponding to the one recipient” as claimed in claim 45. Again, Sherman and Waskiewicz only teach the management of one or more user’s e-mail accounts. This is not the same as the novel data distribution method as claims in claim 35 and further claims in claims 44 and 45. Neither Sherman nor Waskiewicz relate to multiple recipient accounts and the hierarchical association of data to the multiple recipient accounts. Accordingly, the Applicant respectfully submits that the rejection be withdrawn.

VIII. Claims Appendix

A claims appendix containing a copy of the claims subject to this appeal is attached.

IX. Evidence Appendix

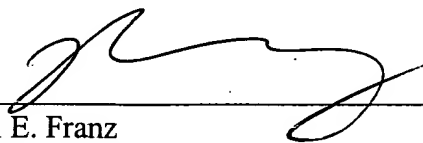
None.

X. Related Proceedings Appendix

None.

Respectfully submitted,
Attorney for Applicant

Date: May 25, 2005

By: 
Paul E. Franz
Reg. No. 45,910
54 Vista Ridge Circle
Hinckley, OH 44233

CLAIMS APPENDIX

1. (Original) A method of distributing data to a plurality of recipients associated with a corresponding plurality of recipient accounts, comprising the steps of:

associating a plurality of classes arranged in a class hierarchy with the plurality of recipient accounts;

associating a plurality of data sets with the plurality of classes and the plurality of recipient accounts;

creating a plurality of recipient data sets by associating each data set associated with a class to each recipient account associated with the class so that each recipient data set includes only data sets associated with each corresponding recipient account; and

distributing the plurality of recipient data sets to the corresponding plurality of recipients.

2. (Original) The method of claim 1, wherein the step of associating a plurality of classes arranged in a class hierarchy with the plurality of recipient accounts comprises the step of arranging the plurality of classes in a parent-child relationship.

3. (Original) The method of claim 2, wherein the step of associating a plurality of data sets with the plurality of classes and the plurality of recipient accounts comprises the steps of:

associating a data set with a parent class; and

associating the data set associated with the parent class with a related child class.

4. (Original) The method of claim 3, wherein the step of creating a plurality of recipient data sets by associating each data set associated with a class to each recipient account associated with the class so that each recipient data set includes only data sets associated each corresponding recipient account comprises the step of associating each data set associated with a child class to each recipient account associated with the child class.

5. (Original) The method of claim 1, further comprising the steps of:
defining an event; and
distributing the plurality of recipient data sets to the corresponding plurality of recipients upon an occurrence of the event.

6. (Original) The method of claim 4, further comprising the steps of:
defining an event; and

distributing the plurality of recipient data sets to the corresponding plurality of recipients upon an occurrence of the event.

7. (Original) The method of claim 1, further comprising the steps of:
defining a distribution frequency threshold;
determining a distribution frequency for one of the data sets; and
automatically associating the data set if the distribution frequency of the data set exceeds the distribution frequency threshold.

8. (Original) The method of claim 7, wherein the step of determining a distribution frequency for one of the data sets comprises the steps of determining the number of times the data set is distributed to a particular recipient over a period of time.

9. (Original) The method of claim 8, wherein the step of automatically associating the data set if the distribution frequency of the data set exceeds the distribution frequency threshold comprises the steps of:

comparing the distribution frequency of the data set to the distribution frequency threshold; and

associating the data set to a recipient account corresponding to the particular recipient.

10. (Original) The method of claim 1, wherein the step of distributing the plurality of recipient data sets to the corresponding plurality of recipients comprises the steps of:

compressing each of the recipient data sets;

sending the plurality of recipient data sets to the corresponding plurality of recipients over a computer network; and

disassociating the plurality of data sets with the plurality of classes and the plurality of recipient accounts.

11. (Original) A system for distributing data to a plurality of recipients associated with a corresponding plurality of recipient accounts, comprising:

means for associating a plurality of classes arranged in a class hierarchy with the plurality of recipient accounts;

means for associating a plurality of data sets with the plurality of classes and the plurality of recipient accounts;

means for creating a plurality of recipient data sets by associating each data set associated with a class to each recipient account associated with the class so that each recipient data set includes only data sets associated with each corresponding recipient account; and

means for distributing the plurality of recipient data sets to the corresponding plurality of recipients.

12. (Original) The system of claim 11, wherein the means for associating a plurality of classes arranged in a class hierarchy with the plurality of recipient accounts comprises means for arranging the plurality of classes in a parent-child relationship.

13. (Original) The system of claim 12, wherein the means for associating a plurality of data sets with the plurality of classes and the plurality of recipient accounts comprises:

means for associating a data set with a parent class; and

means for associating the data set associated with the parent class with a related child class.

14. (Original) The system of claim 13, wherein the means for creating a plurality of recipient data sets by associating each data set associated with a class to each recipient account associated with the class so that each recipient data set includes only data sets associated each corresponding recipient account comprises means for associating each data set associated with a child class to each recipient account associated with the child class.

15. (Original) The system of claim 11, further comprising:

means for defining an event; and

means for distributing the plurality of recipient data sets to the corresponding plurality of recipients upon an occurrence of the event.

16. (Original) The system of claim 14, further comprising:

means for defining an event; and

means for distributing the plurality of recipient data sets to the corresponding plurality of recipients upon an occurrence of the event.

17. (Original) The system claim 11, further comprising:

means for defining a distribution frequency threshold;

means for determining a distribution frequency for one of the data sets; and

means for automatically associating the data set if the distribution frequency of the data set exceeds the distribution frequency threshold.

18. (Previously Presented) The system of claim 17, wherein the means for automatically associating the data set if the distribution frequency of the data set exceeds the distribution frequency threshold comprises:

means for comparing the distribution frequency of the data set to the distribution frequency threshold; and

means for associating the data set to a recipient account corresponding to the particular recipient.

19. (Previously Presented) The system of claim 11, wherein the means for distributing the plurality of recipient data sets to the corresponding plurality of recipients comprises:

means for compressing each of the recipient data sets;

means for sending the plurality of recipient data sets to the corresponding plurality of recipients over a computer network; and

means for disassociating the plurality of data sets with the plurality of classes and the plurality of recipient accounts.

20. (Previously Presented) A system for distributing data to a plurality of recipients corresponding to a plurality of recipient accounts, the system comprising:

a computer storage medium storing a data structure and a program;

a computer system having access to the computer storage medium and configured to execute the application program;

wherein the data structure includes a plurality of classes arranged in a class hierarchy, and further includes the plurality of recipient accounts associated with the plurality of classes; and

wherein the program associates data sets to selected classes and selected recipient accounts, creates a plurality of recipient data sets by associating data sets associated with a selected class to the recipient accounts associated with the selected class so that each recipient data set includes only data sets associated with each corresponding recipient account, and distributes the plurality of recipient data sets to the corresponding plurality of recipients.

21. (Original) The system of claim 20, wherein the hierarchy includes parent classes and child classes, and wherein the program associates data sets associated with a parent class to child classes associated with the parent class, and further associates data sets associated with the child classes associated with the parents classes to recipient accounts associated with the child classes.

22. (Original) The system of claim 21, further comprising a distribution control file stored on the computer storage medium, the distribution control file storing the association of data sets to selected classes and selected recipient accounts.

23. (Original) The system of claim 22, wherein the program is configured to access the distribution control file and create the plurality of recipient data sets by associating data sets associated with a selected class to the recipient accounts associated with the selected class as specified in the distribution control file so that each recipient data set includes only data sets associated with each corresponding recipient account, and distribute the plurality of recipient data sets to the corresponding plurality of recipients.

24. (Original) The system of claim 23, wherein the program distributes the data sets upon an occurrence of an user-defined event.

25. (Original) The system of claim 24, wherein one of the data sets has a change status, the change status indicating whether a change in the data set has occurred since a previous distribution of the data set, and wherein the program distributes the data set upon the occurrence of the user-defined event only if the change status indicates a change in the data set has occurred.

26. (Original) The system of claim 20, further comprising a transaction file stored on the computer storage medium, the transaction file storing a transaction history of the distribution of data sets.

27. (Original) The system of claim 26, wherein the program is further configured to access the transaction file and determine the distribution frequency of each data set.

28. (Original) The system of claim 27, further comprising a distribution control file stored on the computer storage medium, the distribution control file storing the association of data sets to selected classes and selected recipient accounts, and wherein the program is further configured to update the distribution control file to include an association of a data set to selected

classes and selected recipient accounts if the distribution frequency of the data set to the selected classes and recipient accounts exceeds a threshold value.

29. (Original) The system of claim 28, wherein the program is configured to access the distribution control file and create the plurality of recipient data sets by associating data sets associated with a selected class to the recipient accounts associated with the selected class as specified in the distribution control file so that each recipient data set includes only data sets associated with each corresponding recipient account, and distribute the plurality of recipient data sets to the corresponding plurality of recipients.

30. (Original) The system of claim 29, wherein the program distributes the recipient data sets upon an occurrence of an user-defined event.

31. (Original) The system of claim 30, wherein one of the data sets has a change status, the change status indicating whether a change in the data set has occurred since a previous distribution of the data set, and wherein the program distributes the data set upon the occurrence of the user-defined event only if the change status indicates a change in the data set has occurred.

32. (Original) The system of claim 21, wherein the data structure further includes for each class a class node and a recipient node, each class node referencing a child class, and each recipient node referencing a recipient account.

33. (Original) The system of claim 32, wherein the program is further configured to associate data sets with corresponding class nodes and recipient nodes.

34. (Original) The system of claim 33, wherein the program is further configured to associate each data set associated with each class node to each corresponding classes referenced by the class node, and associate each data set associated with each recipient node to the each corresponding recipient account referenced by the recipient node.

35. (Original) A method of e-mailing files, comprising the steps of:
associating a first file with a class of recipients;
associating a second file with one recipient in the class;
creating a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file; and
distributing the data sets to the recipients.

36. (Original) The method of claim 35 further including the step of creating a hierarchy of classes including the class.

37. (Original) The method of claim 36 wherein the step of associating the first file includes defining recipients of the first file to include all recipients in the class and all recipients in any subordinate classes related to the class in the hierarchy.

38. (Original) The method of claim 36 wherein the classes in the hierarchy are arranged in a parent-child relationship.

39. (Original) The method of claim 35 further including the step of defining an event, the step of distributing the data sets corresponding to an occurrence of the event.

40. (Original) The method of claim 39 wherein the data sets are distributed upon every occurrence of the event.

41. (Original) The method of claim 36 further including the step of automatically associating a file with a recipient if the file has been distributed to the recipient at a frequency that exceeds a predetermined distribution frequency threshold.

42. (Original) The method of claim 36 wherein the step of distributing the data sets includes the step of compressing the data sets.

43. (Original) The method of claim 36 wherein the step of distributing the data sets includes the step of sending a single e-mail to each recipient including a data set corresponding to the recipient.

44. (Original) The method of claim 36 further including the step of copying the first file to recipient accounts respectively corresponding to the recipients in the first class.

45. (Original) The method of claim 44 further including the step of copying the second file to the recipient account corresponding to the one recipient.

46. (Previously Presented) A program stored in a computer-readable medium, the program for distributing files to recipients connected by a network, comprising:

code for defining a class of recipients;

code for associating a first file with the class of recipients;

code for associating a second file with one recipient in the class;

code for creating a data set for each recipient in the class, wherein only the data set corresponding to the one recipient includes the second file; and

code for distributing the data sets to the recipients.

47. (Original) The program of claim 46 further including code for creating a hierarchy of classes including the class of recipients.

48. (Original) The program of claim 47 wherein the code for associating the first file defines recipients of the first file to include all recipients in the class and all recipients in any subordinate classes in the hierarchy related to the class.

49. (Original) The program of claim 47 wherein the classes in the hierarchy are arranged in a parent-child relationship.

50. (Previously Presented) The program of claim 46 wherein the code for distributing the data sets is executed upon the occurrence of a user-defined event.

51. (Previously Presented) The program of claim 50 wherein the data sets are distributed upon every occurrence of the event.

52. (Original) The program of claim 46 wherein the code for associating the first file and the second file automatically associates one of the first file and the second file with a recipient if the one file has been distributed to the recipient at a frequency that exceeds a predetermined distribution frequency threshold.

53. (Original) The program of claim 46 further including code for compressing the data sets for distribution.

54. (Original) The program of claim 46 wherein each data set is distributed as a single e-mail to a corresponding recipient.